

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CRIMINAL NO. 2:02CR13**

**UNITED STATES OF AMERICA** )

)

)

**vs.**

)

)

)

**JEFFREY DOUGLAS CATT** )

)

**ORDER**

**THIS MATTER** is before the Court on a letter, dated May 11, 2006, received from the Defendant. The letter is construed as a motion to remove a detainer and, as such, is denied.

The Defendant's supervised release was revoked in this Court due to his arrest and conviction on state court charges. A period of active imprisonment was imposed as a result of the revocation. The Defendant complains that the state has imposed a detainer on him requiring that he serve his state court sentence at the conclusion of his federal sentence. This, he argues, will violate the constitutional proscription against double jeopardy.

The Double Jeopardy Clause does not bar successive prosecutions brought by separate sovereigns. ***United States v. Lara*, 541 U.S. 193 (2004)**. The state and federal governments are separate sovereigns. “[T]he Supreme Court has continually held that federal and state crimes are not the same offense, no matter how identical the conduct they proscribe.” ***United States v. Alvarado*, 440 F.3d 191, 196 (4<sup>th</sup> Cir. 2006)**.

**IT IS, THEREFORE, ORDERED** that the Defendant’s motion to remove the state detainer is hereby **DENIED**.

Signed: May 18, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

